

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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GRAHAM CHASE ROBINSON,

Plaintiff,

-v-

ROBERT DE NIRO and CANAL PRODUCTIONS,
INC.,

Defendants.

19-cv-09156 (LJL)

OPINION AND ORDER

-----X
ROBERT DE NIRO and CANAL PRODUCTIONS,
INC.,

Counterclaim-Plaintiffs,

-v-

GRAHAM CHASE ROBINSON,

Counterclaim-Defendant.

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LEWIS J. LIMAN, United States District Judge:

The parties shall submit supplemental briefing as to Defendants' motion for summary judgment. The supplemental briefing should focus exclusively on the question of whether, assuming that the Court concludes that no reasonable jury could find that Canal's filing of the lawsuit against Plaintiff in New York State Court on August 17, 2019 ("State Court Action") itself constituted illegal retaliation in violation of the Fair Labor Standards Act, the New York Labor Law, or the New York City Human Rights Law, Plaintiff's claim can be sustained on the grounds that the request for \$3 million on a faithless servant theory and \$3 million for the value

of funds and property allegedly misappropriated by Plaintiff, for a total of \$6 million, constitutes illegal retaliation. The briefing should include discussion of whether (1) there is sufficient evidence that the damages request in the State Court Action was baseless or retaliatory; and (2) whether, assuming that the damages request was not a materially adverse action under federal and state law, it might still be an adverse action under New York City law.

The supplemental briefs are due on May 17, 2023 by 5pm. Each brief shall be three pages, single spaced.

SO ORDERED.

Dated: May 9, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge